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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,051	04/03/2001	Patrice Gombert	109149	9290
25944	7590	05/04/2004	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			CASTELLANO, STEPHEN J	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/824,051	Applicant(s) GOMBERT ET AL.	
	Examiner Stephen J. Castellano	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-24 and 26-63 is/are pending in the application.
- 4a) Of the above claim(s) 1-12, 14-24, 26-28 and 32-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claims 1-12, 14-24, 26-28 and 32-63 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement.

Applicant's election with traverse of the fuel tank, claims 29-31 is acknowledged. The traversal is on the ground(s) that there is no serious burden to search and examine both the product and the method. This is not found persuasive because the examiner has already determined that there is a serious burden in examining the method and product.

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 29-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29 recites the limitation "the body of the tank" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claims 30 and 31 are similarly indefinite.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Kasugai.

Kasugai discloses a fuel tank comprising a wall (entire outside wall 2) of blown thermoplastic material overmolded on at least one insert (7), the wall (entire outside wall 2)

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covering the insert forming a portion in relief (either, upper wall 3, the sidewall 4 together with the bottom wall 5, or the entire outside wall 2) enabling an attachment (fuel pump 11 with nipple portion 11a) separate from the insert (as the fuel pump is not one-piece with the insert 7) to be mounted to the body (includes the entire outside wall 2 and insert 7) of the tank, said portion in relief comprising a housing (either, upper wall 3, the sidewall 4 together with the bottom wall 5, or the entire outside wall 2) suitable for receiving a portion of the attachment (the top portion of the fuel pump 11 and the nipple portion 11a, the bottom portion of the fuel pump 11, or the entire fuel pump 11 and the nipple portion 11a, respectively).

Re claims 30 and 31, the blown thermoplastic wall material of polyethylene, polyamide or the like can be rotomolded or thermoformed.

Claims 29-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Freeman et al. (Freeman), Cerbelle et al. (Cerbelle) and Irish et al. (Irish).

Freeman discloses a fuel tank comprising a wall of blown thermoplastic material overmolded on at least one insert (insulative material 14), the wall covering the insert forming a portion in relief (the recess for exhaust system 26) enabling an attachment separate from the insert to be mounted to the body of the tank, said portion in relief comprising a housing (the recess for exhaust system 26) suitable for receiving a portion of the attachment.

Cerbelle discloses a fuel tank comprising a wall of blown thermoplastic material overmolded on at least one insert (siphon 5), the wall covering the insert forming a portion in relief (the recess for transmission shaft 14 as shown in Fig. 3) enabling an attachment separate from the insert to be mounted to the body of the tank, said portion in relief comprising a housing (the recess for transmission shaft 14) suitable for receiving a portion of the attachment.


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Irish discloses a fuel tank comprising a wall of blown thermoplastic material overmolded on at least one insert (member 18), the wall covering the insert forming a portion in relief (the recesses formed by projections 38, 40) enabling an attachment separate from the insert to be mounted to the body of the tank, said portion in relief comprising a housing (the recesses formed by projections 38, 40) suitable for receiving a portion of the attachment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 703-308-1035. The examiner can normally be reached on M-Th 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703-308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen J. Castellano
Primary Examiner
Art Unit 3727

sjc